

Exhibit

“B”

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

GLENN KASPER PLAINTIFF
VERSUS NO. 3:15-CV-613-WHB-JCG
THE BOARD OF SUPERVISORS OF DEFENDANT
LAUDERDALE COUNTY, ET AL.

DEPOSITION OF DALTON HOUSE

APPEARANCES NOTED HEREIN

DATE: MARCH 20, 2017
PLACE: BARRY THAGGARD MAY & BAILEY, LLP
505 CONSTITUTION AVENUE
MERIDIAN, MISSISSIPPI
TIME: 2:05 p.m.

REPORTED BY: AMANDA MAGEE WOOTTON
CSR #1238

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1 APPEARANCES:

2

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5

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E X H I B I T S

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3 Exhibit No. 1: Statement - Exhibit "A" 10
 to Amended Complaint

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2 DALTON HOUSE,
3 after having first been duly sworn, was
4 examined and testified under oath as follows,
5 to-wit:

6 E X A M I N A T I O N

7 EXAMINATION BY MR. THAGGARD:

8 Q. Mr. House, my name is Lee Thaggard. I'm
9 an attorney here in Meridian. I represent
10 Lauderdale County in a lawsuit that's been filed
11 by Mr. Glen Kasper pertaining to an incident that
12 happened back in 2014.

13 A. Uh-huh. (Affirmative response.)

14 Q. I want to ask you some questions today
15 about that. Okay?

16 A. Okay.

17 Q. Let me ask you first, have you ever
18 testified in any kind of proceeding?

19 A. I haven't yet.

20 Q. This is just -- you know, the court
21 reporter is going to be -- she's typing everything
22 we say --

23 A. Right.

24 Q. -- so we can't talk at the same time. A
25 lot of times during normal conversation, we tend

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1 to interrupt each other, even if it's okay or
2 yes, I understand, things like that. So try to
3 resist the urge to respond or say anything until I
4 finish the question. All right? At the same
5 time, I'll try to make sure that your answers are
6 finished before I start the next question. Okay?

7 A. Okay.

8 Q. Like I said, this is just -- this is a
9 deposition, which it's a question and answer
10 session essentially. And I promise you, at some
11 point in time during this afternoon, I'm going to
12 ask you a question that it's a bad question,
13 doesn't make any sense. All right. If I do that,
14 will you please let me know and I'll be happy to
15 rephrase it?

16 A. Uh-huh. (Affirmative response.)

17 Q. All right. And one of the things that
18 you'll need to do is answer audibly yes or no --

19 A. Yes.

20 Q. -- if that's what it calls for, as
21 opposed to a nod of the head or an "uh-huh" or an
22 "unh-unh" because if you think about it, you're
23 reading a book. It's kind of difficult to make
24 out, you know, what that means. All right. And
25 trust me, there are a whole lot of people who do

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1 that, so don't feel like you're the first.

2 All right. I tend talk to fast at
3 times. If I do that, if the court reporter
4 doesn't tell me to slow down --

5 MR. THAGGARD: -- and, Amanda,
6 please tell me to slow down if I need to.

7 MR. THAGGARD: (Continuing.)

8 Q. If the court reporter doesn't tell me to
9 slow down and I ask you a question speaking too
10 fast, you tell me. Okay? I'll be happy to
11 rephrase.

12 All right. I don't think we're going to
13 be that long, but if we need to take a break, then
14 please let me know. All right? And we'll do
15 that. Of course, Mr. Kasper's attorney,
16 Mr. Denson, is here. All right. And he'll get a
17 chance to ask you some questions, you know, when I
18 finish.

19 All right. What is your name again for
20 the record, full name?

21 A. Dalton Lee House.

22 Q. What's your address, Mr. House?

23 A. 8365 Mosley Crossing Road.

24 Q. Is that a Meridian address?

25 A. It's Collinsville. 39325.

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- 1 Q. Now, do you work?
- 2 A. I do.
- 3 Q. Where do you work?
- 4 A. At Bimbo Bakeries in Meridian.
- 5 Q. How long have you been working there?
- 6 A. Just started.
- 7 Q. Okay. And what is your age?
- 8 A. Twenty-one.
- 9 Q. What year were you born?
- 10 A. 1996.
- 11 Q. Now, in May of 2014, what was your age?
- 12 A. Eighteen.
- 13 Q. Where did you graduate high school?
- 14 A. West Lauderdale.
- 15 Q. Did you attend college?
- 16 A. No, sir.
- 17 Q. Okay. Do you have -- have you taken any
- 18 classes after you graduated from West Lauderdale?
- 19 A. Besides military classes, no, sir.
- 20 Q. Are you in the military?
- 21 A. I am.
- 22 Q. What branch of the military are you in?
- 23 A. Army National Guard.
- 24 Q. Army National Guard. What's your rank?
- 25 A. E4 specialist.

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1 Q. What's your MOS?

2 A. Thirteen Bravo, field artillery.

3 Q. Enjoy your hearing while it lasts.

4 How long have you been in the military?

5 A. Since 2014.

6 Q. Now, of course, you and I talked on the
7 phone last week about scheduling you to come in to
8 the deposition today, right?

9 A. Yes, sir.

10 Q. Okay. Have you, since that time --
11 well, strike that.

12 Have you done anything to prepare for
13 this deposition today?

14 A. No, sir.

15 Q. Do you know Glen Kasper?

16 A. I do.

17 Q. How long have you known Mr. Kasper?

18 A. I'd say ten years.

19 Q. Okay. Now, does Mr. Kasper have
20 children?

21 A. He does.

22 Q. Do you know his children?

23 A. I do.

24 Q. Are you friends with his children?

25 A. Yes, sir.

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1 Q. And would that be -- well, strike that.

2 How many children does Mr. Kasper have?

3 A. Three.

4 Q. Okay. I know of Reed Kasper. Who are
5 the other two?

6 A. It'd be Chase and Jud.

7 Q. And which of the Kasper children are you
8 friends with?

9 A. Reed.

10 Q. Reed.

11 (DOCUMENT MARKED AS EXHIBIT NO. 1
12 AND ATTACHED)

13 MR. THAGGARD: (Continuing.)

14 Q. I'm going to show you a document that's
15 been marked as Exhibit 1 to your deposition and
16 ask you to take a moment and look at that. I'll
17 ask you if you recognize it.

18 A. Yes.

19 Q. Okay. Now, there's going to be some --
20 probably some words at the very bottom of the page
21 and the very top from -- that pertain to the court
22 case that are an overlay onto the document. All
23 right.

24 A. Yes.

25 Q. Is this the -- what is this document?

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1 A. A written testimony.

2 Q. Okay.

3 A. Statement.

4 Q. A statement. Okay. Did you prepare
5 this document?

6 A. I did.

7 Q. Let me ask a better question. Did
8 anyone assist you in preparing this document?

9 A. Other than the phone number, no, sir.

10 Q. Okay. Explain that to me.

11 A. That phone number would have been my
12 father's because I didn't have one at the time.

13 Q. Okay. When is the last time you have
14 reviewed this document?

15 A. Since they made it.

16 MR. DENSON: And, Lee, let me
17 interrupt for a moment. I do want to say for
18 the record that I saw Mr. House in your lobby
19 and he was wondering if I had a copy of that
20 statement, and I showed him -- is this the
21 one you're talking about? My first time ever
22 meeting him, but just for the record, I
23 wanted that to be clear.

24 THE WITNESS: Yes.

25 MR. THAGGARD: Okay.

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1 MR. DENSON: Probably right --
2 probably moments before you walked up.

3 MR. THAGGARD: Okay. All right.

4 MR. THAGGARD: (Continuing.)

5 Q. And while you were waiting in my lobby,
6 did you have an opportunity to review this
7 statement?

8 A. Yes.

9 Q. Okay. Do you recall what date you
10 prepared this document?

11 A. I don't.

12 Q. Do you recall what date it was that
13 Mr. Glen Kasper had his interaction with the law
14 enforcement officers in 2014?

15 A. I do not.

16 Q. The second line of your statement
17 indicates it was Saturday of Memorial Day weekend
18 of 2014. Do you see that?

19 A. Oh, I do. I do.

20 Q. All right. Now, regardless of what the
21 specific date may have been, do you recall that
22 was the date that this incident occurred?

23 A. Yes.

24 Q. Okay. How many days after that was it
25 that -- before you prepared this document?

1 A. I can't recall.

2 Q. Okay. Why did you prepare this
3 document?

4 A. I was asked to by Mr. Glen Kasper.

5 Q. Did he ask you directly?

6 A. He did, yes, sir.

7 Q. Okay. Did he come to your home?

8 A. No, sir. By phone call.

9 Q. Did Mr. Kasper give you any indication
10 of what sort of information that you should put in
11 your statement?

12 A. No, sir.

13 Q. What did Mr. Kasper ask you to do?

14 A. He asked me to write a written statement
15 of what I seen.

16 Q. Okay. Now, is this the only version of
17 the statement that you prepared?

18 A. Yes, sir.

19 Q. All right. How long did it take you to
20 prepare it? Do you recall?

21 A. I don't.

22 Q. Do you recall where you prepared it?

23 A. In my parents' bedroom.

24 Q. Okay. And what I mean was like on a
25 home computer or --

1 A. Home computer.

2 Q. Okay. The incident that is referenced
3 in your statement, is that something which you
4 have discussed with Mr. Glen Kasper?

5 A. I haven't. I haven't talked to him
6 since this was -- before this was made when he
7 asked me to write a statement.

8 Q. All right. Have you talked to him since
9 this incident occurred during Memorial Day weekend
10 of 2014?

11 A. No.

12 Q. Did you discuss this incident with Reed
13 at any point in time?

14 A. I have not. Maybe before he asked me to
15 write this. I'm not for sure, though.

16 Q. Okay. And, look, if at any point in
17 time you answer a question and then you realize
18 later that your answer was incorrect, then you
19 feel free to let me know.

20 A. Okay.

21 Q. We'll certainly let you go back and
22 correct that. All right?

23 A. All right.

24 Q. All right. Tell me what -- let's talk
25 about this day, Saturday, Memorial Day weekend,

1 2014.

2 A. Okay.

3 Q. All right. I want you to -- take you
4 back in time before this incident happened. What
5 had you been doing that day?

6 A. I had been at the Reservoir.

7 Q. And that's Lake Okatibbee?

8 A. Yes, sir.

9 Q. All right.

10 A. Skiing and just hanging around my
11 family.

12 Q. All right. And what time did you -- did
13 you leave the Reservoir?

14 A. I'm not sure of a specific time, but
15 later in the afternoon, I believe.

16 Q. And the -- your statement references
17 coming to a -- arriving at a police checkpoint.
18 Is that a fair representation?

19 A. Correct.

20 Q. All right. What road were you traveling
21 on, as you came and -- to that police checkpoint?

22 A. Allen Swamp Road.

23 Q. Do you recall what time of day it was?

24 A. I do not.

25 Q. Do you recall if it was daylight or

Page 16

1 dark?

2 A. It was daylight.

3 Q. What were your weather conditions that
4 day? Do you recall?

5 A. I do not recall.

6 Q. Now, as you approached -- strike that.

7 You said you were traveling on Allen
8 Swamp Road; is that right?

9 A. Correct.

10 Q. The police checkpoint was set up where?

11 A. At the stop sign on Allen Swamp Road
12 intersecting Pine Springs Road.

13 Q. All right. Now, do you recall how far
14 away -- strike that.

15 As you're approaching that intersection,
16 at some point in time, you noticed that there
17 were -- that there was a checkpoint; is that
18 correct?

19 A. Correct.

20 Q. How far away were you when you noticed
21 that there was a checkpoint?

22 A. I'd say 40 feet, 50 feet. I -- correct
23 that. 100 feet.

24 Q. Okay. Do you recall how many law
25 enforcement vehicles were there that day?

1 A. I do not.

2 Q. Do you recall what law enforcement
3 agencies were present that day?

4 A. I believe -- all I noticed was
5 Lauderdale County Sheriff's Department.

6 Q. Do you recall seeing any highway patrol
7 vehicles that day?

8 A. I do not, no.

9 Q. Do you recall if the -- if the law
10 enforcement vehicles had their lights on? When I
11 say "their lights," I don't mean headlights. I
12 mean like blue lights.

13 A. I do not. I do have a question.

14 Q. Sure.

15 A. This was in 2014, so specific details
16 are kind of foggy from way back then.

17 Q. And I understand that. And if you, at
18 any point in time, need to go review your
19 statement to see if there's information there,
20 just let me know.

21 A. Okay.

22 Q. Do you remember -- strike that.

23 So you don't recall if there were lights
24 on -- the blue lights were on the police vehicles
25 or not?

1 A. I do not.

2 Q. All right. Do you recall what the law
3 enforcement -- strike that.

4 Do you recall seeing any law enforcement
5 officers in the street as you approached the
6 checkpoint?

7 A. I do.

8 Q. Do you recall what they were wearing?

9 A. I do not.

10 Q. Do you remember seeing any reflective
11 vests on any of the police officers?

12 A. I do not.

13 Q. You don't remember they -- strike that.

14 They weren't wearing or you just don't
15 remember?

16 A. I just don't remember.

17 Q. Okay. Now, as you're approaching the
18 intersection of Allen Swamp Road and Pine Springs
19 Road --

20 A. Uh-huh. (Affirmative response.)

21 Q. -- were you following any other vehicles
22 that you recall? Let me ask a better question.

23 A. Say that again.

24 Q. At some point in time, you ended up
25 behind Mr. Kasper's vehicle, right?

1 A. Correct.

2 Q. Had you been following him on the
3 highway?

4 A. I was behind him on -- basically all the
5 way down Allen Swamp Road.

6 Q. All right. And how far behind him were
7 you?

8 A. Forty foot.

9 I would like to correct whatever -- what
10 I said about talking to Reed Kasper. I do
11 remember calling Reed and asking him if his dad
12 had been arrested and asked him what happened, but
13 he had no count of what had happened at that
14 point.

15 Q. And how soon after this incident
16 occurred was it that you called Reed?

17 A. I'm not sure. I honestly don't
18 remember.

19 Q. Were you traveling by yourself?

20 A. No. I had my girlfriend with me.

21 Q. Okay. What's her name?

22 A. Molly Bailey.

23 Q. Is she still your girlfriend?

24 A. She is, which for the record, she's
25 deployed right now.

Page 20

1 Q. Is she also Army?

2 A. She is in the Air National Guard.

3 Q. Air National Guard. Do you know when
4 she's scheduled to return?

5 A. Not a specific date.

6 Q. Okay. Do you have a month?

7 A. Possibly end of April, early May.

8 Q. All right. So --

9 A. Do you need her legal full name for
10 that?

11 Q. Sure.

12 A. It'd be Mary Bailey.

13 Q. Mary Bailey is her complete name?

14 A. Mary Charlotte Bailey.

15 Q. Who are her parents?

16 A. Chip and Laura Bailey.

17 Q. Is she from Philadelphia?

18 A. She is.

19 Q. All right. So it was just you and Molly
20 in the vehicle?

21 A. Correct.

22 Q. All right. Now, you're driving along
23 Allen Swamp Road and you're approaching the
24 intersection. All right. And you notice that
25 there are law enforcement officers there.

1 A. Correct.

2 Q. What did you think was occurring at the
3 intersection as you're approaching it?

4 A. A roadblock --

5 Q. Okay. And what --

6 A. -- or --

7 Q. Go ahead.

8 A. My first thought was maybe a wreck
9 because there's one way, it has a stop sign, and
10 one way, it does not. And the way that I do
11 remember the police officers being parked kind of
12 looked like it might have been an emergency scene,
13 so that was my first thought. And then my second
14 thought was roadblock.

15 Q. Okay. So you're approaching the
16 intersection. What did you do?

17 A. I slowed down because Mr. Kasper slowed
18 down in front of me.

19 Q. All right. And just describe to me what
20 you -- what you did, what you saw there at the
21 intersection that day.

22 A. I seen -- I do recall a vehicle on my
23 right with people leaning on the trunk. And as
24 far as anything else, I just remember it looking
25 like a regular roadblock.

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1 Q. The people -- you said to your left side
2 or right side?

3 A. Right.

4 Q. Okay. You said they were leaning on the
5 trunk?

6 A. They were.

7 Q. Was there a law enforcement officer with
8 them?

9 A. I can't recall. I do know that's part
10 of the reason I thought it could have been a
11 wreck, was because there were people out of a
12 vehicle that were not in handcuffs that I noticed,
13 and that's what I thought first.

14 Q. All right. All right. So you noticed
15 the people out of the car leaning on their
16 vehicle.

17 A. Correct.

18 Q. All right. And then what do you
19 remember next?

20 A. After that -- after that, the -- I know
21 I leaned down getting all my stuff together. I
22 did have on swimming shorts and all that, so my
23 license was not in my wallet. My wallet was not
24 in my pockets, so I was having to scrounge
25 everything up. Let's see.

1 The next thing I knew, I was, you
2 know -- I heard stop and seen them -- or heard a
3 window, looked up and that's when I seen
4 Mr. Kasper being drug out of the window or out of
5 the vehicle. I cannot recall whether it was --
6 the door was open or the door was shut or through
7 the window.

8 The truck was stopped in front of me.

9 As far as when they asked to him stop the truck,
10 it was stopped in front of me.

11 Q. Let me ask you a question. Could you
12 hear -- strike that.

13 Before you heard the window crash, could
14 you hear any conversation between Mr. Kasper and
15 any other person?

16 A. I could not. The only thing I heard was
17 to stop the truck. And as I told you, my --
18 whenever I looked up, the truck was stopped.

19 Q. How many times did you hear a voice say
20 "Stop the truck"?

21 A. Once.

22 Q. And when you looked up, was that before
23 or after you heard the window crash?

24 A. That was after I heard it crash.

25 Q. Okay. And do you know how the vehicle

1 was brought to a stop?

2 A. I do not.

3 Q. Did you notice any officers around
4 Mr. Kasper's vehicle?

5 A. After the window shattering?

6 Q. Yes.

7 A. Yes.

8 Q. Okay. How many officers? And let's
9 first talk just immediately after -- strike that.

10 First, when you first looked up after
11 you heard the window shatter, how many officers
12 were around his vehicle?

13 A. I can't recall. I do recall several
14 officers running towards his vehicle.

15 Q. Now, was there an officer back near your
16 vehicle when you heard the window crash?

17 A. I do not believe so. I do want to say
18 where it says in my statement about four or five
19 deputies surrounded his truck, that's what I mean
20 whenever I say deputies were running towards his
21 truck. Were running towards his truck to get --
22 to surround his truck.

23 Q. All right. And you -- you mentioned
24 your statement. You refer in the statement -- you
25 said that you heard glass shatter and saw that

1 they were struggling with the driver. How many
2 officers do you recall were struggling with the
3 driver?

4 A. I would say four or five deputies that
5 were struggling with the officer -- I mean, with
6 Mr. Kasper.

7 Q. Now, was that -- all right. Let's go
8 back. Just tell me what you remember. All right.
9 You said window smashed, you heard, looked up.
10 You don't recall immediately how many officers
11 were there, although, you did see four or five
12 running toward the truck.

13 A. Okay.

14 Q. When you first looked up after the
15 window was smashed, could you tell if anybody was
16 struggling with Mr. Kasper at that point in time?

17 A. It appeared that after the window was
18 smashed, they were pulling -- were attempting to
19 remove Mr. Kasper from the vehicle.

20 Q. Okay. And do you recall how many
21 officers were involved in that effort to remove
22 him from the vehicle at that particular point in
23 time?

24 A. Like, say, more than three.

25 Q. Okay. Do you remember?

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1 A. Because I -- I do not remember
2 specifically. I do know one officer was cut from
3 having his arms through the window. There was
4 another officer that was attempting to remove him.
5 I want to say there was another officer that was
6 assisting him, but I'm not for sure. I cannot
7 say.

8 Q. Okay. So you remember specifically
9 three officers, then, or you specifically remember
10 two and one perhaps that may have been assisting
11 him; is that correct?

12 A. That's correct.

13 Q. So the other, you said, four to five
14 ran. They were around the truck, but you don't
15 remember if they actually laid hands on
16 Mr. Kasper?

17 A. Everybody that -- all officers that went
18 over there did partake in detaining Mr. Kasper.

19 Q. All right. Let's start back with you
20 heard the window smashed. You're looking up.
21 You've got at least two officers, maybe one other
22 officer there. Some others are coming. All
23 right. What do you remember -- walk me through
24 what you heard and what you saw.

25 A. Okay. After the window was smashed and

1 Mr. Kasper was out of the vehicle, I do remember
2 hearing a taser being fired and I thought I could
3 hear another taser being fired. I do remember
4 them taking Mr. Kasper and putting him on the
5 pavement fairly roughly -- that's a word -- fairly
6 aggressively.

7 Q. Now, up until that point in time, had
8 you heard Mr. Kasper say anything?

9 A. I cannot recall.

10 Q. Okay. Did you see anything that
11 Mr. Kasper did?

12 A. I do remember as Mr. Kasper was coming
13 out of the vehicle and as officers were attempting
14 to detain Mr. Kasper, I do know that Mr. Kasper
15 was not going to the ground easily.

16 Q. He was struggling?

17 A. He --

18 Q. Well, strike that.

19 What -- how was he -- you said "not
20 easily." What was he doing?

21 A. He didn't want to be slammed into the
22 concrete.

23 Q. Okay. And what did he do to -- what
24 actions was he taking at that time?

25 A. Basically, just keeping his legs stiff.

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1 He wasn't running. He wasn't swinging -- you
2 know, swinging his fists or anything like that.
3 As far as I could tell, he was just basically
4 standing.

5 Q. Did he move his arms? Do you recall?

6 A. Not that I recall.

7 Q. Okay. Other than keeping his legs
8 stiff, do you remember him moving his legs at all?

9 A. I don't.

10 Q. You don't remember or you're saying that
11 he did not move his legs?

12 A. I do not remember. I do -- I do
13 remember as he's coming to the ground, he does
14 have his hands in front of his face from --
15 keeping his face -- and his neck stiff from
16 keeping his face being hit into the pavement.

17 And just for the record, I was, in a
18 way, nervous. I did not know what was going on at
19 the time. You do have your adrenaline factor and
20 all that put in, so -- my girlfriend was sitting
21 in the passenger's seat. I didn't know if it was
22 a gunshot that I'd heard at the time, you know,
23 with the window smashing out or not. So my
24 concern was more on keeping my passenger safe than
25 worrying about what was going on in front me.

1 Q. Now, you said earlier that you thought
2 you heard a second taser fire.

3 A. I did.

4 Q. Do you know whether or not a second
5 taser was actually fired?

6 A. I do not.

7 Q. The taser that was fired -- strike that.

8 The taser that you know was fired, do
9 you know how many times that particular officer
10 pulled the trigger or cycled the taser with
11 Mr. Kasper?

12 A. I do not. I do not know how many times
13 he did cycle the taser, but it sounded like it was
14 more than once. And in my statement, that's what
15 I mean by -- I do not mean several tasers. I do
16 mean -- I do not know how many tasers there were.
17 I do know that I thought he was tasered more than
18 once, which could have been by one single taser.

19 Q. So your reference in your statement
20 "tasered him several times" could have been by a
21 single taser?

22 A. Correct.

23 Q. When I say "a single taser," I'm talking
24 about a single taser weapon, for lack of a better
25 expression.

1 A. Correct. I do remember as Mr. Kasper is
2 coming out of the vehicle, he did have his seat
3 belt on because as they're pulling him out, the
4 seat belt is wrapped around him.

5 Q. Do you recall if his door was open or
6 not?

7 A. I do not.

8 Q. You mentioned that you saw his seat belt
9 wrapped around him. Where was he at that point in
10 time?

11 A. Halfway in and halfway out of the truck.

12 Q. But you don't recall if the door was
13 open or it was --

14 A. I do not. I...

15 Q. You just remember the seat belt around
16 him.

17 A. Right.

18 Q. Fair enough.

19 Now, did you see Mr. Kasper at any point
20 in time while he was interacting with the deputies
21 kick toward the officers or throw a punch toward
22 the officers?

23 A. I did not see that.

24 Q. Do you know whether he actually did that
25 or not?

1 A. No, sir.

2 Q. And I want to be sure the record's
3 clear. You do not know whether he kicked or threw
4 a punch or not; is that right?

5 A. I did not see him kick or throw a punch.

6 Q. All right. Now, you mentioned a while
7 ago that you were concerned about your girlfriend.
8 All right. Now -- and about keeping her safe; is
9 that right?

10 A. Correct.

11 Q. All right. So as this was -- this
12 event's going on in front of you, were you
13 watching Mr. Kasper the entire time or did you
14 focus your attention at some point in time on
15 Molly, or tell me what you did.

16 A. The time that I took my eyes away from
17 what was happening in front of me, I checked
18 behind me to see if there was a vehicle behind me
19 in case I needed an escape route. And I did look
20 at her and tell her what to do if we had to leave.
21 So that's -- besides that, that's the only time
22 that I took my eyes away from Mr. Kasper until the
23 officer did come. After it was over or towards
24 the end of it being over, the officer came towards
25 my truck and checked my license and registration.

1 Q. You said that you told your girlfriend
2 what to do if you had to leave. What do you mean
3 by that?

4 A. I told her if we had to leave, she was
5 to get low in her seat and that we would be doing
6 whatever we had to do to get out of a bad
7 situation. Not a bad situation towards the
8 officers, but a bad situation that we could have
9 been injured in or caused harm in.

10 Q. Okay. Now, at what point in time during
11 the -- during your stop there did you make that
12 comment to her?

13 A. While I was -- well, after I heard a
14 window smash to -- after I heard the window smash
15 because I didn't know whether it was a gun or
16 whatever, so I didn't just pop right up. I did
17 tell her, you know -- because she was down helping
18 me, as well, trying to find everything and that's
19 whenever I told her. I didn't know what it was,
20 but this is what we need to think about before --
21 before we lean back up to see what it was.

22 Q. Okay. Now, from the time that you saw
23 Mr. Kasper with the seat belt wrapped around
24 him -- well, let me back up.

25 You saw Mr. Kasper with the seat belt

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1 wrapped around him. How was his seat belt undone?

2 Do you recall?

3 A. I do not recall.

4 Q. From the time you first noticed him or
5 heard the window smash, how long was it before he
6 was out of the vehicle and on the pavement?

7 A. Ten to 15 seconds. Scratch that. Did
8 you say on the pavement?

9 Q. Yeah.

10 A. Twenty or 30 seconds.

11 Q. Okay. How about how long after you
12 heard the window smash until he was out of the
13 vehicle?

14 A. Ten to 15 seconds.

15 Q. Okay. And I realize that's an
16 approximate time; is that correct?

17 A. As approximate, you mean estimated time?

18 Q. As best you can remember.

19 A. As best I can remember, yes.

20 Q. All right. So your estimation was it
21 took another five to ten seconds after he was out
22 of the vehicle to put him on the pavement or for
23 him to be located on the pavement. Is that a fair
24 statement?

25 A. Correct.

1 Q. Do you recall how many officers were
2 making physical contact with Mr. Kasper when he
3 was placed on the pavement?

4 A. Four to five.

5 Q. What were the officers doing?

6 A. They were -- they had Mr. Kasper's head
7 pinned to the pavement in such a way that it did
8 look to hit his head pretty good onto the
9 pavement. As -- and the others are in a way
10 hitting Mr. Kasper. And when I say "in a way,"
11 they -- that means elbows, knees in the back and
12 such. As far as fists or batons or anything like
13 that, I do not know.

14 Q. Okay. Did you see anybody punch
15 Mr. Kasper with a fist?

16 A. I don't -- I don't recall seeing anybody
17 punch him.

18 Q. Let me ask that same question about when
19 he was still in the vehicle. Do you recall seeing
20 anyone punch him while he was still in the
21 vehicle?

22 A. I did see a hand go through the window.
23 I do not know what the hand did once it entered
24 the window.

25 Q. Was that on his driver's side?

1 A. Correct.

2 Q. Do you recall if there was an officer on
3 the passenger's side of his vehicle?

4 A. I don't recall.

5 Q. I've been referring to his vehicle --
6 him just being in a vehicle. It was a pickup
7 truck, wasn't it?

8 A. Ford F150, white. I'm not sure of the
9 year model.

10 Q. All right. You mentioned officers'
11 elbows and knees --

12 A. Uh-huh. (Affirmative response.)

13 Q. -- used with him while he's on the
14 ground. Describe that to me. Are you talking
15 about officers -- let me ask a better question.

16 Do you have officers that are kneeling
17 on him with their knees in his back or what?

18 A. It was officers -- yes, they were
19 kneeling were their knees in his back. As far as
20 elbows go, I do remember Mr. Kasper hitting his
21 head by an elbow being brought to the back of his
22 neck. I do remember officers -- I don't want to
23 say jumping or kneeling, but placing their knees
24 rather with force in his back.

25 Q. Okay. Did you see any officer more than

1 one time put their knees into his back?

2 A. I did not.

3 Q. And to phrase that differently would be
4 as if an officer put his knees into his back, then
5 got back up -- or raised up and then put his
6 knees, you know, back into his -- you know, drove
7 his knees back into his back again.

8 A. I can't -- I can't recall. Actually, I
9 could not see at that point. At that point, there
10 were officers surrounding Mr. Kasper. There was a
11 crowd of officers surrounding Mr. Kasper.

12 Q. Could you see what he was doing on the
13 ground?

14 A. At the point where all the officers were
15 gathered around Mr. Kasper, Mr. Kasper had already
16 been detained. And when I say at the point that
17 all the officers gathered, that's not the officers
18 that were already -- not the four or five officers
19 that were already there. There were more officers
20 that had come over after Mr. Kasper had already
21 been detained.

22 They did move him -- they did take him
23 from one police car after they placed him in it to
24 another police car.

25 Q. Okay. And we'll get to that. All

1 right. But do you remember anything else about
2 the way he was placed on the pavement, the way the
3 officers handled him while he was on the pavement?
4 Is there anything else you can remember -- or what
5 he did while he was on the pavement. I want to
6 make sure I exhaust your memory on that subject.

7 A. I did hear someone say "stop" as this
8 was going on. I did hear an officer say "stop."
9 Mr. Kasper did say -- he said, "I'm stopped" or
10 "I'm not moving" or "I'm not resisting," something
11 in the form of he was not trying to resist or
12 trying to struggle.

13 Q. And at that particular point in time, do
14 you remember where he was, Mr. Kasper?

15 A. At that point in time, he was -- that's
16 when the four or five deputies or officers put him
17 on the ground.

18 Q. And when you heard the officers say --
19 tell him to stop and Mr. Kasper respond that he
20 was stopped, could you actually see what he was
21 doing?

22 A. It was not "I'm stopped." It was "I'm
23 not doing anything" or -- it was a statement made
24 to let them know that he was not aggressively or
25 physically trying to resist them detaining him.

1 Q. Now, when -- but when he said that,
2 could you see what he was doing?

3 A. That's when the officers were taking him
4 down to the ground. That's the only -- as far as
5 him -- what he was doing, that's basically when he
6 was going to the ground. I mean, physically
7 falling to the ground. That's what he was doing.

8 Q. You mentioned a few moments ago that an
9 officer -- I think you said an officer had his
10 elbow behind his head.

11 A. Correct.

12 Q. Do you recall any other officer using an
13 elbow with Mr. Kasper?

14 A. Not that I recall, no. I only seen
15 Mr. Kasper's -- the elbow hit Mr. Kasper one hard
16 time into the concrete. Mr. Kasper did -- his
17 head did come back up and I believe the -- it
18 could have been a different officer. Like I said,
19 there was four or five, so hands were everywhere.
20 A hand did take Mr. Kasper's head and forcefully
21 go back down to the pavement.

22 Q. Did you know any of the officers who
23 were there that day?

24 A. I don't recall any of the officers'
25 names that were there. I've come to know more

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1 officers since then, so I'm -- I can't say whether
2 I did or did not.

3 Q. Okay. Did you know the officer whose
4 elbow was behind Mr. Kasper's head?

5 A. I did not. As I said, I can't remember
6 any officers that was there that day.

7 Q. And do you know what officer put his
8 hand on Mr. Kasper's head and pushed his head back
9 to the pavement?

10 A. No.

11 Q. Do you remember any -- strike that.

12 Do you know any of the officers who put
13 their knees onto Mr. Kasper's back?

14 A. I do not. I do not recall any officers
15 who were there that day.

16 Q. All right. Now, how long was Mr. Kasper
17 on the pavement? Do you recall?

18 A. I do not recall. I can't give you a
19 specific time.

20 Q. Do you recall if he was handcuffed while
21 he was on the pavement?

22 A. Yes. As -- from what I do remember, he
23 did get up by his handcuffs. I mean, being pulled
24 up from the handcuffs with his hands behind his
25 back. I can't tell you for sure that he had

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1 handcuffs on. They might have had his hands held
2 behind his back, but I do believe -- I know I did
3 see Mr. Kasper in handcuffs after he got up, but
4 my memory's not clear on that part of the subject.

5 Q. All right. You're not sure exactly when
6 he was handcuffed.

7 A. Correct.

8 Q. But you do know at some point in time,
9 he was handcuffed.

10 A. Right.

11 Q. And do I understand your testimony
12 correctly that he was lifted rearward off the
13 ground?

14 A. I do believe so.

15 Q. All right. Now, you mentioned earlier
16 that he was -- went to -- was taken to a police
17 car -- well, strike that.

18 After he was lifted from the ground --

19 A. I'm trying to exactly remember how he
20 was lifted. I do want to give a true statement.
21 I'm trying to picture it in my head.

22 I want to go back and correct that
23 answer on the -- how he was handcuffed because I
24 do not -- I cannot specifically remember how he --
25 he got up. I do remember that at one point -- at

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1 the point in time that he was on the ground, his
2 hands were placed behind his back because he was
3 laying on his stomach and they did have his hands
4 behind his back. But I cannot exactly remember
5 how he got up.

6 Q. All right. You don't recall how he got
7 up and you're not sure if he was handcuffed while
8 he was on the ground. Is that a fair statement?

9 A. That's a fair statement.

10 Q. You do know at some point in time, he
11 was handcuffed and put in a police car.

12 A. Yes.

13 Q. Tell me what you can remember from the
14 time that he was -- he's off the ground and then
15 what do you remember until -- just what do you
16 remember?

17 A. The only thing that I can remember is
18 that he was put into a police car. He was taken
19 out of that police car and put into another one.
20 And I do believe it was Mr. Kasper that was put
21 into another police car. I didn't see anyone else
22 being arrested or that had been arrested to be
23 placed in another police car. That was the only
24 one -- that was the only person around.

25 At that time, I did have an officer

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1 talking to me because everything had cooled down
2 and the officers had spread and everything was
3 continuing on.

4 Q. If that -- when he was taken to the
5 first police car, all right, do you recall
6 anything about the manner in which -- well, do you
7 recall anything about him being put in the police
8 car?

9 A. He was -- the only thing I can remember
10 about him being put in the police car is that it
11 like they were not very easily putting him into
12 the police car. Not that he was -- not that he
13 was using force to resist them putting him in the
14 police car, but it looked like they kind of put
15 him in the police car rather abruptly.

16 Q. What does that mean?

17 A. Pushed him into the police car, you
18 know, not -- they put him in the police car...

19 Q. Let me ask this question: Did he walk
20 to the police car?

21 A. He was escorted to the police car.

22 Q. All right. What does that mean?

23 A. He was taken by an officer to the police
24 car. He didn't walk by himself, but --

25 Q. But he was on his own two feet?

1 A. Correct. From what I remember, he
2 was -- I mean, they got him back up and he was
3 walking. They didn't carry him to the police car.

4 Q. Could you tell if he was walking
5 willingly to the police car?

6 A. Yeah. That's what I -- that's what I
7 think I remember, is that he was walking fairly --
8 you know, escorted, but on his own.

9 Q. Could you tell if he put up any
10 resistance to being put in the police car?

11 A. Could not. Cannot recall.

12 Q. All right. Now, once he arrived at the
13 police car, do you recall if he was put in the
14 police car immediately? Did he stay outside of
15 the police car for any period of time or do you
16 remember?

17 A. I don't recall. That's basically the
18 end of what I seen.

19 Q. Now, during this period of time, we've
20 been talking about what you saw and what you
21 heard.

22 A. Right.

23 Q. When in this process was it that a law
24 enforcement officer approached you and came up and
25 began talking to you?

1 A. When he approached me, this was as they
2 were taking Mr. Kasper to the police car and
3 sending traffic back through with me being the
4 first vehicle to go -- to give proof of license
5 and registration. He came to me at that time and
6 I had asked, you know, what was going on or what
7 happened and he told me that "That's just one of
8 our regulars." And at that point in time, I
9 didn't understand why that was one of his -- why
10 he would have said that.

11 Q. Now, do you remember what officer --

12 A. No.

13 Q. -- said that to you?

14 A. I can't recall any officers' names or
15 even really what they looked like that day.

16 Q. Do you recall hearing any other officer
17 out there that day say anything similar to the
18 statement that the officer said to you, that
19 this -- he's just one of our regulars?

20 A. I don't. That was the only officer I
21 talked to. That was the only officer that came to
22 my vehicle and spoke to me. I did not get out of
23 my vehicle and talk to any officer or...

24 Q. Now, this particular officer, was he one
25 of the -- strike that.

1 The officer that made the statement to
2 you, had he been involved in the physical contact
3 with Mr. Kasper at Mr. Kasper's vehicle?

4 A. I don't know. I -- when I say I can't
5 remember any officer that was there by name or by
6 face or anything like that, and there were several
7 officers there in that physical altercation
8 that -- I mean, at one time, you wouldn't be able
9 to remember the officers' name, you know, or how
10 they looked.

11 Q. Now, do you know if Mr. Kasper has any
12 brothers?

13 A. I don't, but I do know that when that
14 officer was talking to me, he said, "I know" -- he
15 said, "That's one of our regulars and I know his
16 brother," or somebody said -- it might not have
17 been that officer or it might have been somebody
18 yelling or something, but somebody said, "I know
19 his brother." I know that for a fact.

20 As far as who that was, I'm not sure if
21 it was that officer or not, but -- and they wasn't
22 even talking to me at that time. I mean, after
23 this officer had finished talking to me, I could
24 hear "I know his brother." So I'm assuming that
25 he has a brother. Now, I haven't been told that

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1 by a family member or by anyone like that, but
2 that's what I'm assuming.

3 Q. The -- strike that.

4 Did you see who made the statement "I
5 know his brother"?

6 A. I don't. Like I say, I just heard the
7 statement. Now, later on after I've -- you know,
8 this was 2014, so, yes, I have heard that he does
9 have a brother that has had trouble.

10 Q. Right. And what I'm getting at is, you
11 heard someone say "I know his brother." If you
12 could tell whether the officer that said that or
13 the person that said that, you know, what that
14 person's involvement had been with Mr. Kasper in
15 terms of getting him out of the vehicle, you know,
16 putting him on the ground, et cetera.

17 A. I don't know. I -- that's -- like I
18 said, that's the only thing that I know that I
19 heard. And then as I said, later on, that's what
20 I've heard further. It was -- actually, it was in
21 another conversation with someone off that I don't
22 know who it was. It was in the conversation I
23 heard, "Yeah, I know his brother." That was it.

24 Q. Now, do you have any idea what the
25 officers had done at that point in time to

1 identify Mr. Kasper?

2 A. I do not. Also, I did not know at first
3 that it was Mr. Kasper. The only way that I knew
4 him, as my statement says, is I knew his truck, of
5 course. And he does have a set of pilot wings on
6 his -- on his truck, so that's how I gathered that
7 it could have been Mr. Kasper. And so I did not
8 know at that time that it was him.

9 Q. You mentioned earlier that Mr. Kasper,
10 at some point in time, was moved from one law
11 enforcement vehicle to another.

12 A. As far as I know, it was Mr. Kasper.

13 Q. All right. Do you know why that person
14 was moved from one vehicle to another?

15 A. I do not.

16 Q. Did you see if there was any amount of
17 force that was used with that particular person as
18 they were moved from one vehicle to another?

19 A. I do not. I know that someone was moved
20 from one vehicle to another. At that time -- at
21 that time, I was leaving. That's actually the
22 last thing I seen, was that someone was moving --
23 or when I say moved, somebody was being
24 transported to another vehicle. I'm not saying
25 that it was from that particular vehicle, but it

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1 was -- someone was getting moved to a vehicle.

2 Q. Okay. And they were moved how? Was he
3 walk -- that person walking?

4 A. Escorted by a police officer. Not sure
5 if his hands were behind his back or in front of
6 him or anything as such, but was being escorted by
7 a police officer.

8 Q. Okay. And when you say "escorted," the
9 person was walking on his own power?

10 A. Correct.

11 Q. All right. Now --

12 A. Well --

13 Q. Go ahead.

14 A. As far as I could tell, he was on his
15 own power. Like I said, I was leaving. I could
16 not -- I can't give an accurate, true statement
17 about that.

18 Q. Now, Mr. Kasper's pickup truck was in
19 front of you; is that right?

20 A. Correct.

21 Q. All right. Once the officer came to
22 you, you interacted with the officer and you were
23 leaving. What happened to Mr. Kasper's truck?
24 Did it stay in place? Was it moved?

25 A. It was in the same place from whenever I

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1 came through. Whenever I came through, it was
2 in -- no. For some reason, I want to think that
3 his truck was moved so people could get through,
4 but my memory is foggy on that. And I know that's
5 something that should be clear, but I thought I
6 remembered his vehicle being moved. I can't give
7 you -- I can't give you anything accurate on that.

8 Q. Okay. So you're uncertain about that?

9 A. Yeah.

10 Q. All right. Let's go back to the point
11 that the officer came to you.

12 A. All right.

13 Q. And describe to me the conversation that
14 you have with the officer from, you know, what --
15 what did he first say when he got to you and walk
16 me through what happened with you until you left
17 the checkpoint.

18 A. He walked up to me, asked me for my
19 license, asked me for registration. I said, "What
20 happened?" He just -- the only thing that he told
21 me was that he was -- "That's just one of our
22 regulars." That's what I was told.

23 Q. Okay. He asked you for your license and
24 registration. What did you do?

25 A. I gave it to him.

1 Q. All right. And how long did he have
2 your license and registration?

3 A. Long enough to look at my information.

4 Q. Okay. Did he call in your information
5 to -- on the radio or do you remember?

6 A. Not that I remember.

7 Q. Okay. And how long after you handed him
8 your license and registration was it that you
9 spent there, you know, with the officer?

10 A. None. I left.

11 Q. Okay. I mean, in terms of 30 seconds,
12 more or less?

13 A. I mean, as he -- after he gave me back
14 my license?

15 Q. Yes.

16 A. Three seconds.

17 Q. Okay. So he checked your license and
18 registration and sent you on your way?

19 A. Correct.

20 Q. Did you have any problems with that
21 officer?

22 A. No, sir.

23 Q. Okay. When you pulled up and there was
24 an officer, you said you -- when you first pulled
25 up, you did or did not see an officer in the

1 street?

2 A. They wasn't right in the middle of the
3 street. They were on the edge of the street and I
4 couldn't -- let me correct that. I couldn't tell
5 what was right in front me because Mr. Glen's
6 vehicle was right in front of me.

7 Q. Okay. Now, when you determined that it
8 was a checkpoint, you knew you needed to stop,
9 didn't you?

10 A. Correct. I did learn that it was a
11 checkpoint as Mr. Kasper was being -- as the
12 officers were walking up to Mr. Kasper's vehicle,
13 I did understand it was a checkpoint then. Before
14 that, as I said, I didn't know what was exactly
15 going on.

16 Q. So when the window smashed, you weren't
17 sure, but as the officers were going to his
18 vehicle, you understood it was a checkpoint?

19 A. As his -- no. As his windows were
20 being -- as his window was being smashed, I did
21 understand what was going on. I mean, as far as
22 when the officer started -- in the very beginning,
23 as the officer started towards his vehicle, not
24 all officers, but just the one to, I guess, I'm
25 assuming, check his license and registration,

1 that's when I understood that it was a checkpoint.

2 Q. Okay. So at that point in time, you
3 knew that you were going to have to stop. Is that
4 a fair statement? When you got up to an officer,
5 that you would need to stop.

6 A. Possibly. Yes, yes.

7 Q. You wouldn't just drive through a
8 checkpoint, would you?

9 A. If I knew it was a checkpoint for sure,
10 no. I have in the past, however, have come up to
11 a checkpoint almost similar to that that I thought
12 that was an accident that I almost did drive
13 through, to be completely honest.

14 Q. Okay.

15 A. As far as they had it set up, usually
16 there is vehicles in the road. You know, there
17 were no -- that I seen, there were no vehicles in
18 the road. They were all parked on the side of the
19 roads. Most times at an accident, that's what it
20 kind of looks like. And they do have an officer
21 most of the time flagging traffic, so it could
22 have gotten -- it could have been confused to
23 other drivers.

24 Q. All right. Now, do you know how many
25 vehicles -- strike that.

1 Do you know whether -- the vehicles that
2 were coming to the checkpoint, whether they were
3 stopping all of the vehicles, every other vehicle
4 or what they were doing?

5 A. I don't know. Actually, I couldn't tell
6 you because it was me behind Mr. Kasper and that
7 was it. As far as I know, I didn't see any other
8 vehicles go through before us.

9 Q. All right. Was there a vehicle behind
10 you as you were stopped waiting for Mr. Kasper?

11 A. At the time all that was going on, no.
12 But whenever -- towards the end of everything as
13 far as whenever they got him detained, there was a
14 vehicle behind me that had pulled up. I couldn't
15 tell you what kind of vehicle. I can't recall
16 that.

17 Q. Do you know whether they checked that
18 vehicle for license and registration?

19 A. I don't have a clue.

20 Q. Now, when you pulled up behind
21 Mr. Kasper, do you recall if there were any
22 vehicles stopped out on Pine Springs Road?

23 A. No.

24 Q. Okay. You -- go ahead.

25 A. On the side of the road.

1 Q. I don't mean law enforcement vehicles.

2 I mean, were there -- do you recall if there were
3 any vehicles that were traveling Pine Springs Road
4 that had been stopped by law enforcement?

5 A. Not on Pine Springs Road, but on Allen
6 Swamp Road. There were -- there was a vehicle to
7 my right with those people leaning on the trunk.

8 Q. Okay. So if I understand your testimony
9 correctly, you drove past that vehicle; is that
10 right?

11 A. Yes, yes.

12 Q. All right. But as you're approaching
13 the intersection of Allen Swamp and Pine Springs
14 Road -- and this is a perpendicular intersection
15 basically, isn't it?

16 A. Yes. You have to stop at --

17 Q. Let me ask you, it's a T intersection?

18 A. Kind of, yeah.

19 Q. Well, not 90-degree angles, but it's
20 close to a T intersection; is that right?

21 A. Right.

22 Q. All right. There's a curve that comes
23 into the intersection, right?

24 A. Right. And a one-way stop sign.

25 Q. All right. Now, do you recall if there

1 was any vehicle that was out on Pine Springs
2 already that had been stopped by law enforcement
3 as a part of the checkpoint?

4 A. On Pine Springs Road?

5 Q. Yes.

6 A. No, I don't recall.

7 Q. Do you recall seeing any officers
8 standing out on Pine Springs Road when you first
9 pulled up to the checkpoint?

10 A. Not initially, no, sir.

11 Q. Do you recall if there -- strike that.

12 Do you know if there were any officers
13 that were standing on Pine Springs Road when you
14 heard the window smash?

15 A. Not that I recall.

16 Q. Okay. Did you, at any point in time,
17 see any officers on Pine Springs Road?

18 A. I can't recall.

19 Q. Now, what was occurring with Mr. Kasper,
20 that was occurring between you and Pine Springs
21 Road; is that right?

22 A. Right, right. I'm not saying that there
23 wasn't any vehicles on Pine Springs Road. There
24 could have been, but I just -- I can't remember
25 where they were exactly parked. I know they were

1 parked on -- whenever I came up, I know there
2 were -- if you want to count, you know, right
3 there at the stop sign on Pine Springs Road, if
4 it's on the other side of the stop sign, then yes,
5 there was a vehicle on Pine Springs Road. But not
6 far onto Pine Springs Road that I can recall or
7 to -- if you took a left or a right, I can't
8 recall if there was a vehicle to the left or to
9 the right.

10 Q. Do you remember if there was a vehicle
11 on Pine Springs Road in front of Mr. Kasper's
12 vehicle?

13 A. No.

14 Q. At any point in time?

15 A. I can't recall.

16 Q. Now, when Mr. -- strike that.

17 As Mr. Kasper approached the checkpoint,
18 do you know if he stopped when first --

19 A. I know --

20 Q. -- first encountered an officer?

21 A. I'm not sure when he first encountered
22 an officer, that he stopped. I'm not sure of
23 that.

24 Q. Before his window was smashed, how close
25 was an officer to his vehicle -- to Mr. Kasper's

1 vehicle?

2 A. Before his window was smashed?

3 Q. Yes, sir.

4 A. I'd say 5 to 8 foot.

5 Q. Okay. The officer standing in the
6 roadway?

7 A. On the left side of the road, that I
8 recall. Now, as far as there being one on the
9 other side or in front of him, I do not know. I
10 know there was one on the opposite side of the
11 road. Like I said, I cannot -- I couldn't tell
12 you where any officers were.

13 Q. Do you know if any of the officers made
14 any type of gesture or said anything to Mr. Kasper
15 before he stopped?

16 A. Stop the truck.

17 Q. Okay.

18 A. And at that point in time, Mr. Kasper --
19 I noticed Mr. Kasper stopped. Now, that's
20 whenever I realized that that was a checkpoint.
21 That's when I go down to find my license and
22 registration and all that.

23 Q. Okay. Now, during the point in time
24 that you're looking down --

25 A. Uh-huh. (Affirmative response.)

1 Q. -- do you know if his vehicle moved?

2 A. No. It's not possible.

3 Q. Okay. Why is that?

4 A. I was looking down.

5 Q. Okay. Make sure I understand. During
6 the -- all right. During the time that you were
7 looking down, all right, you don't know if his
8 vehicle moved or not; is that right?

9 A. Correct.

10 Q. Okay. Your statement is it's not
11 possible for you to know whether the vehicle moved
12 or not; is that right?

13 A. Right, right.

14 Q. Okay. Now, from the time that you heard
15 an officer tell him to stop -- you recall that he
16 did; is that correct, when he first --

17 A. (Witness nods head affirmatively.)

18 Q. All right. And you looked down?

19 A. Correct.

20 Q. You don't know if his vehicle moved
21 again before the window was smashed; is that
22 correct?

23 A. Correct.

24 Q. All right. Now, you remembered that
25 there were people beside a car. You said to your

1 left or to your right?

2 A. My right.

3 Q. To your right. And you don't -- but you
4 don't recall if there was an officer in -- nearby
5 then?

6 A. I don't.

7 Q. Okay. Do you recall if there were any
8 other civilian vehicles that were parked on the
9 side of the road?

10 A. Not that I recall.

11 Q. Do you recall seeing anyone else in the
12 back of a law enforcement vehicle?

13 A. I do not.

14 Q. You don't know what happened with
15 Mr. Kasper after he left the scene that day, do
16 you?

17 A. I do not.

18 Q. How long was it after you left the
19 checkpoint before you had a conversation with
20 Mr. Kasper?

21 A. I want to say two to three days
22 possibly.

23 Q. And that was when Mr. Kasper called you?

24 A. That's when he called me, correct. Now,
25 I did -- I did talk to Reed Kasper and I believe

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1 that's how Mr. Kasper knows that I was there at
2 that time.

3 Q. Okay. Do you recall what your
4 conversation with Reed was about the incident?

5 A. I just asked what had happened. Let me
6 correct something.

7 Q. Yeah.

8 A. The -- whenever I did talk to Reed, I
9 was told that -- that his dad had been mistaken
10 for someone else. That's what I -- that's what
11 he'd told me. And I'm not saying that's true or
12 anything. I'm just saying that's what I heard.
13 That's how I -- I've heard that. I'm just having
14 to jog my memory. But I did talk to Mr. Kasper, I
15 believe, two to three days later. He asked me if
16 I minded -- if -- to write a statement. I told
17 him I didn't mind and I wrote it, sent it to him.

18 Q. Okay. Did anybody review the statement
19 after you prepared it?

20 A. Not that I know of. As far as who?

21 Q. Anybody?

22 A. Not that I know of besides Mr. Kasper, I
23 guess it would be.

24 Q. Now, did you -- strike that.

25 Did Reed give you any indication or

1 explanation about why he said that his dad was
2 mistaken for someone else?

3 A. No. I didn't ask. It wasn't my -- at
4 the time, it wasn't my business.

5 Q. Have you ever talked to Reed's mom about
6 the incident?

7 A. I have not.

8 Q. Now, when you got to Pine Springs Road,
9 did you turn left or right?

10 A. I went left.

11 Q. Okay.

12 A. I can't remember if anybody was there or
13 not.

14 Q. Okay. As you turned left, do you recall
15 where the law enforcement vehicles specifically
16 were located?

17 A. I do not.

18 Q. If I asked you to draw a picture of
19 where all the law enforcement vehicles were
20 located, could you do that accurately?

21 A. I couldn't, not accurately.

22 Q. Would it be a guess?

23 A. It would be a very tough guess.

24 Q. All right. Do you remember how many law
25 enforcement vehicles were out there at the

1 intersection that day?

2 A. I know it was several, but I don't -- as
3 I said, I don't know how many. I know it was more
4 than -- more than three. I do know that because
5 there were, you know, as I said, on the side of
6 the road. But as far as I could see, there wasn't
7 one in the road, you know, directly in the road.

8 Q. From the time that you stopped and then
9 before you cleared the checkpoint to go on your
10 way, do you remember if any law enforcement
11 vehicles left the scene of the checkpoint?

12 A. I do not.

13 Q. You don't remember?

14 A. I do not remember.

15 Q. Do you remember seeing any officer at
16 any point in time throw a punch or strike
17 Mr. Kasper with a punch?

18 MR. DENSON: Objection to form.

19 MR. THAGGARD: I'll ask a better
20 question.

21 MR. THAGGARD: (Continuing.)

22 Q. Do you recall seeing at any point in
23 time there at the intersection that day any
24 officers strike Mr. Kasper with a punch?

25 A. We'll call a punch a blow of force with

1 someone's fist? That's what we'll call a punch or
2 are we saying a strike, as far as a strike being
3 elbow, a knee, anything like that?

4 Q. Let's start with a fist.

5 A. Okay. A fist, I cannot recall. Now, as
6 far as a strike, I know there were elbows and --

7 Q. Let's talk arms first. You said you saw
8 an elbow to the back of behind his head.

9 A. Behind his head, correct.

10 Q. You saw one of those that you can
11 remember.

12 A. Correct.

13 Q. Do you remember any more?

14 A. No.

15 Q. And you said you remembered someone
16 pushing his head to the pavement.

17 A. Correct.

18 Q. Okay. Do you recall any other contacts
19 with Mr. Kasper's -- with Mr. Kasper by either a
20 fist, an elbow or officers' hands?

21 A. I did not. I know there was a hand in
22 the window that I could not see that I do not know
23 what that hand did.

24 Q. Now, you described seeing knees being
25 placed on Mr. Kasper when he was on the ground.

1 A. Forcefully, correct.

2 Q. All right. Did you, at any point in
3 time, see an officer or anyone kick Mr. Kasper?

4 A. I don't remember a kick. I do -- the
5 only thing I do remember with the legs were the
6 knees and that's all I can recall with the legs.

7 Q. When you're saying "legs," do you mean
8 the -- are you talking about the knees --

9 A. The knees.

10 Q. -- on his -- to his back?

11 A. To his back, correct.

12 Q. All right. Now --

13 A. His back, his -- the upper part of his
14 back, lower part of his back. I know whenever
15 they went to take him down, there was a knee in
16 his -- placed in his back to put him down. That's
17 only -- as far as that, I didn't see any kick. I
18 didn't see a foot hit Mr. Kasper.

19 Q. Okay. Now, once he was on the ground
20 and the knees were on him, did that hold him to
21 the ground?

22 A. Yes.

23 Q. Okay. And did the officers hold him
24 down for a period of time?

25 A. Can I ask, when you say holding him

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1 down, does that mean that he was trying to get up
2 or holding him down -- because he wasn't trying to
3 get up at that time, so I wouldn't want to say it
4 was holding him down because if you're holding
5 down something with force, that'd be trying to
6 bring it up.

7 Q. Well, let me ask this question: Do
8 you -- when Mr. Kasper's on the ground, do you
9 know if he tried to get up?

10 A. After he was placed on the ground and
11 knees were in his back, he was not trying to get
12 up.

13 Q. How do you know?

14 A. Mr. Kasper's -- he -- Mr. Kasper is a
15 little bit of a smaller person and there were six
16 people on him. There really wasn't -- it wasn't a
17 possible way for him to get up and he wasn't
18 struggling. I mean, there was no signs of him
19 struggling. There was no deputies yelling stop.
20 There was no -- there was no verbal indication
21 that he was struggling. It was just -- I could
22 see his face. I couldn't tell who exactly it was
23 at that moment, but I could see his face. His
24 face wasn't -- you know, besides from being put in
25 the pavement, there was no sign of struggling, you

1 know. So at that time, he was not struggling from
2 my perspective.

3 Q. Okay. Now -- and I know you said
4 earlier that there were quite a few officers that
5 were surrounding him at that time.

6 A. Correct.

7 Q. So to some extent, your visibility of
8 Mr. Kasper was obscured?

9 A. Correct.

10 Q. All right. Could you see his entire
11 body as he's laying there on the ground with the
12 officers around him?

13 A. I could see his -- from his head, his
14 chest, from him keeping his head off the ground.
15 I could see his -- I could not see his back from
16 the officers being on it, and I could see his
17 feet.

18 Q. Okay.

19 A. His feet were on the ground. His chest
20 and his chin were being held up on his own as far
21 as before his head was placed into the -- onto the
22 ground.

23 Q. Now, do you remember him saying anything
24 else out there at the scene that day?

25 A. I do not.

1 Q. You mentioned earlier a statement that
2 he made --

3 A. Oh, besides -- you mean anything else
4 besides that statement that I made --

5 Q. Yes.

6 A. -- of him saying anything? No, I do not
7 know anything else that he said. All I heard him
8 say was I'm -- like I said, it was a form of him
9 saying that I'm not resisting.

10 Q. Now, in your statement, you said -- in
11 your second sentence "After I stopped my car
12 behind him, I started looking for my driver's
13 license, proof of insurance, and registration.
14 While I was doing that, I noticed that the deputy
15 in the road hollered at the driver."

16 A. To stop.

17 Q. All right. Now -- and your second --
18 the first sentence I read that as you were looking
19 for your driver's license, proof of insurance, and
20 registration, had an officer already asked you to
21 do that or were you preparing for an officer to
22 come to your vehicle?

23 A. Well, after I had seen -- okay. I will
24 say that this statement is not completely accurate
25 to how I remember it as of now. Like I said, when

1 that deputy -- whenever I pulled up, that deputy
2 was on the opposite side of the road. The --
3 Mr. Kasper was in front of me. I did not know if
4 there was one in front of him or one to the
5 passenger side of the vehicle.

6 As I noticed this deputy walking towards
7 Mr. Kasper's truck, that is whenever I -- I knew
8 that it was a checkpoint at that time. That's
9 whenever I leaned down to grab my license, my
10 registration. Actually, I had to find it, so...

11 Q. So was it while you were leaning down is
12 when you heard someone holler?

13 A. That's whenever I heard him holler.

14 Q. And you heard the crash while you were
15 leaning down; is that correct?

16 A. It was as I'm going down, I hear "Stop
17 the truck," you know. And then I hear -- I mean,
18 as soon as I hear "Stop the truck," the window
19 smashes. So that's when -- and I -- before this,
20 I seen the truck stopped. I mean, it was stopped.
21 I leaned -- as I'm leaning down, the truck's still
22 stopped. Leaning down to grab my license, hear
23 the window smash. Lean back up and that's when
24 the rest of this happened.

25 Q. Okay. When you heard the officer

1 holler, you were leaning down, as well; is that
2 right, retrieving your --

3 A. Not while but as. I mean, I can see him
4 stopped. I can hear him yell -- holler "Stop the
5 truck" as I'm leaning down to get my stuff. So at
6 that time, I know his vehicle was stopped. You
7 know, it wasn't -- it wasn't I was down here. It
8 wasn't that I was down there with no visibility.
9 I could see at that moment that he had -- he was
10 stopped. I couldn't understand why he was yelling
11 stop the truck because he -- from my point of
12 view, he was stopped.

13 Q. Okay. You thought he was stopped. Do
14 you know whether, from the officers' perspective,
15 if the vehicle moved or not?

16 MR. DENSON: Objection as to form.

17 MR. THAGGARD: (Continuing.)

18 Q. From the vantage point that the officers
19 had -- officer had from the side of the vehicle,
20 do you know if the vehicle moved or not?

21 A. I couldn't tell you.

22 Q. Okay. You were right behind the
23 vehicle, weren't you?

24 A. I'm right directly behind the vehicle.
25 As I'm -- I mean, the brake lights were on. I

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1 could tell you that. The brake lights were on.
2 He -- as I'm going down, I didn't notice any
3 change in the vehicle's motion. I didn't notice
4 any change in brake lights -- dim of brake lights
5 or anything. I do remember that I didn't see any
6 changing to the vehicle of movement or brake
7 lights.

8 Q. Okay. Now, you'll agree that the
9 vehicle can roll forward even with your foot on
10 the brake, can't it?

11 A. The vehicle --

12 MR. DENSON: Objection to form.

13 A. The vehicle can move forward if you put
14 it in park.

15 MR. THAGGARD: (Continuing.)

16 Q. All right. But with your foot on the
17 brake and the brake lights shining, the vehicle
18 can still move forward. Is that a fair statement?
19 You could roll forward with your foot on the brake
20 and the brake lights still illuminated, yes?

21 MR. DENSON: Objection as to form.

22 MR. THAGGARD: (Continuing.)

23 Q. You can answer.

24 A. Can I give both explanations as to why?

25 Q. Oh, sure. You certainly can explain

1 your answer.

2 A. Okay. So, yes, you -- in a way, you
3 could if you did not have the applied pressure to
4 the brake. But in that particular sense, he had
5 already stopped. So most of the time when you're
6 stopped, you're not -- you don't have your foot
7 barely on the brake. You're completely stopped.

8 And I don't -- I mean, I don't believe --

9 Q. Well, let's ask it this way: You don't
10 know why an officer smashed Mr. Kasper's window,
11 do you?

12 A. I don't have a clue.

13 Q. And you don't know what the officer saw
14 that caused him to do that, do you?

15 A. I don't.

16 Q. From your perspective, you thought
17 Mr. Kasper was stopped?

18 A. From my perspective, Mr. Kasper -- in my
19 point of view, he was stopped.

20 Q. You heard an officer yell "Stop" and
21 then in a very brief period of time, you heard the
22 window smash; is that right?

23 A. Right.

24 (Off the record.)

25

1 MR. THAGGARD: (Continuing.)

2 Q. Okay. Other than the statement which is
3 Exhibit 1 to your deposition, have you prepared
4 any other sort of document about what you saw or
5 heard that day?

6 A. I have not.

7 Q. Have you ever been convicted of a
8 felony?

9 A. I have not.

10 Q. You're not wearing glasses today. Do
11 you have any problems with your vision?

12 A. No, sir.

13 Q. You have 20/20 vision?

14 A. Correct.

15 Q. As far as you know?

16 A. Yeah, as far as I know. My last check
17 was good.

18 Q. And you didn't have any trouble with
19 visibility on the day of this incident with
20 Mr. Kasper whether it was because of lighting
21 conditions, given the time of day?

22 A. I do, you know, recall that it was
23 darker at -- to my point of view, it was darker.
24 I know that I don't have any tint on my front
25 windshield, so...

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1 Q. Do you remember if you had your lights
2 on?

3 A. I don't believe I did.

4 Q. So it was at least light enough for you
5 not to have your lights on. Is that a fair
6 statement?

7 A. For me, correct.

8 MR. THAGGARD: All right. That's
9 all the questions I have for you. Mr. Denson
10 may have some questions for you.

11 E X A M I N A T I O N

12 EXAMINATION BY MR. DENSON:

13 Q. Joseph Denson. I'm counsel for the
14 plaintiff.

15 Mr. Dalton, I just have a -- Mr. House,
16 I just have a few questions for you. Okay.
17 Earlier when Mr. Thaggard was asking you about the
18 moment when your head was down to get your
19 license, about how many seconds, if you can
20 estimate, that your head was down to get your
21 license?

22 MR. THAGGARD: Object to form.

23 MR. DENSON: (Continuing.)

24 Q. Let me go back. You testified that --
25 you testified right when the officer was

1 approaching Mr. Kasper's truck, you were looking
2 for your license, correct?

3 A. When I noticed him approaching the
4 truck, that's whenever I noticed it was a
5 checkpoint. So I then decided to -- that's --
6 then I decided to go for my license and
7 registration and all that.

8 Q. And do you know where your license was
9 in your truck at that time?

10 A. I knew it was all down in my clothes in
11 my floorboard. Like I said, I had swimming
12 clothes on. My day clothes were in my floorboard
13 and my wallet was in my day clothes, and my
14 license were in my wallet and my registration was
15 in my glove box.

16 Q. Okay. And did -- do you recall if you
17 got your registration out of your glove box or
18 if --

19 A. Molly got my registration out of my
20 glove box.

21 Q. Okay. So you -- is it your testimony
22 that you just went down to get your -- the clothes
23 or the garment that had your wallet in it from the
24 floor?

25 MR. THAGGARD: Object to form.

1 A. Can you ask the question again?

2 MR. DENSON: (Continuing.)

3 Q. In fact, let me -- I'll strike that
4 question.

5 When you said you went to go get your
6 license, it was on the floorboard on your -- your
7 clothes were on the floorboard of the passenger's
8 side or on the driver's side?

9 A. Passenger's side.

10 Q. Okay. And can you estimate the amount
11 of time it took you to get your license?

12 MR. THAGGARD: Object to form.

13 A. Ten to 15 -- 20 seconds.

14 MR. DENSON: (Continuing.)

15 Q. Okay.

16 A. Enough time for me to reach down, pick
17 up my pants, grab my wallet. And I didn't take my
18 license out of my wallet at that specific time. I
19 waited until it was time for the officer to come
20 to me to take out my license.

21 Q. So you just reached down to get your
22 pants?

23 A. Correct.

24 MR. THAGGARD: Object to form.

25 A. No, not correct. I reached down to get

1 my wallet that was in my pants.

2 MR. DENSON: (Continuing.)

3 Q. Okay. Now, you testified earlier that
4 you had to stop because Mr. Kasper stopped in
5 front of you.

6 A. Correct.

7 Q. And did you ever see a -- did you ever
8 notice that if -- at any point in time, did you
9 ever observe that his lights -- his brake lights
10 that were illuminated at the time you saw it, did
11 you ever see whether those lights went off?

12 MR. THAGGARD: Object to form.

13 A. No.

14 MR. DENSON: (Continuing.)

15 Q. Let me go back and ask you another
16 question. What change, if any, did you see in
17 Mr. Kasper's lights after the officer approached
18 his car?

19 A. I didn't see any change in the vehicle
20 or his lights.

21 Q. And when you stopped behind Mr. Kasper
22 when, as you said, he initially stopped, how far
23 was your vehicle from Mr. Kasper's vehicle at that
24 time?

25 A. Forty feet, 50 feet. That's an

1 estimated guess of how far I was from him.

2 Q. At any point in time, did you -- after
3 Mr. Kasper stopped, did your vehicle come any
4 closer to Mr. Kasper's?

5 A. No.

6 Q. And I want to get some clarity on what
7 you observed when Mr. Kasper was coming out of his
8 truck. Okay. Can you tell me exactly how
9 Mr. Kasper actually came out of his truck from
10 your perception?

11 MR. THAGGARD: Object to form.

12 A. Well, in my statement, it says that he
13 came out head first. And what I mean by "head
14 first," I don't mean he came out, you know, head
15 first, feet second. I mean, as he's coming out,
16 the first thing that's out of the truck is his
17 head. Not talking about in a vertical or
18 horizontal way of the body. I mean, that was the
19 first way of him exiting the vehicle.

20 MR. DENSON: (Continuing.)

21 Q. And, Mr. House, could you observe -- at
22 this time, could you observe if Mr. Kasper's feet
23 were touching -- if his feet were assisting him to
24 get out of the truck?

25 A. I could not. I can't recall. I --

1 really nothing was assisting him getting out of
2 the vehicle except the officers because he was
3 still in the seat belt or as far as I could tell,
4 his seat belt was around him. So to my
5 perspective, there was nothing -- nothing helping
6 him get out of the vehicle besides the officers.

7 I will say if I can that I never heard
8 "Get out of the vehicle." As far as -- as far as
9 I could hear, that's something I couldn't hear, so
10 I don't know at what point in time he was asked to
11 get out of the vehicle.

12 Q. And you said you heard an officer say
13 "Stop" to Mr. Kasper, correct?

14 A. His exact words were "Stop the truck."

15 Q. Okay. And did you hear that statement
16 by -- if you recall, by one officer, two officers
17 or --

18 A. To my perspective, it was only one.

19 Q. And how many times did you hear that one
20 officer say "Stop the truck"?

21 A. That single time.

22 Q. And immediately after you heard that
23 officer say "Stop the truck," what did you --
24 how -- strike that.

25 Immediately after you heard the officer

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1 say "Stop the truck," when you saw the truck, what
2 was the -- what was happening with the truck?

3 MR. THAGGARD: Object to form.

4 A. The truck was stopped. I mean, the
5 truck was not moving.

6 MR. DENSON: (Continuing.)

7 Q. Let me strike that. Let me go back and
8 sort of clear that up there.

9 Your testimony is that you heard the
10 officer say "Stop the truck" one time. When you
11 heard the officer say that, where was the truck?

12 A. Where it had been since we had stopped.

13 As I said, I didn't see any difference in the
14 vehicle. I didn't see any difference in the
15 moving of the vehicle, the lights of the vehicle.
16 I didn't see any difference in the placement of
17 the vehicle from that time I stopped to the time I
18 left. Well, I take that back.

19 As I told before, I couldn't exactly
20 recall somebody moving his vehicle, but I want to
21 say that it was moved for a reason, but I'm not
22 sure if it was. That's just something that's
23 foggy and I can't remember.

24 Q. Okay. And to be clear, you say it was
25 moved for a reason. You're saying after

1 Mr. Kasper was handcuffed and all?

2 A. After -- I want to say that it was moved
3 out from the road for traffic to flow, but I can't
4 give you that -- I can't make a true statement out
5 of that because I'm -- that's just something that
6 I can't remember clearly.

7 Q. Okay. And you say you heard a window
8 being smashed?

9 A. Right.

10 Q. Well, I'm going to ask you a question
11 about that. You heard a window being smashed.
12 When you looked up, what was -- whose -- was there
13 an officer close to Mr. Kasper's vehicle?

14 A. As the window was smashed?

15 Q. Yes.

16 A. Right. Whenever the window was smashed,
17 the officer was in -- that's when the hand entered
18 the vehicle. Once the -- I'm assuming, because as
19 I said, I was down looking for my license and
20 that's when I heard the vehicle smash. When I
21 look up, that's when officers are running and the
22 hand is in the window.

23 As far as I know what happened that
24 moment that he smashed it, whether he backed away
25 or whether he moved closer to it, I couldn't tell

1 you. I'm assuming that -- my assumption would be
2 that he was close enough to smash a window --

3 Q. Okay.

4 A. -- as he was smashing the window.

5 Before then, as I said before, he was 5 to 8 feet
6 away.

7 Q. And at any point in time, did you ever
8 see Mr. Kasper kick or punch towards any of the
9 officers?

10 A. No. I could not see Mr. Kasper kick or
11 punch.

12 Q. Did you ever hear any screaming coming
13 from Mr. Kasper during this altercation?

14 A. As the taser would -- whenever I heard a
15 taser, that's when I could hear the -- not a
16 scream or a yell, but just a -- I guess a shocking
17 yell in a way.

18 Q. Is it your testimony that this yell came
19 from the person that was being tased?

20 A. Correct.

21 Q. And how many times did you hear that
22 yell that you previously described?

23 A. It was one long consecutive yell. A
24 single consecutive yell. And when I say
25 "consecutive," I mean long -- didn't stop, you

1 know.

2 Q. Okay. Do you ever recall hearing any
3 officers saying the words -- I'm going to go back
4 because I think you're about to add something to
5 that, right?

6 A. Yeah.

7 Q. Okay. Go ahead.

8 A. Now, you said in that time, did I hear
9 him scream or yell.

10 Q. Yes.

11 A. That was the question. He did -- not in
12 a -- not in a yelling voice or a screaming voice,
13 but in a loud tone, he did say -- that's when he
14 said, you know, in the form of I'm not resisting.
15 That's the only other verbal thing that I could
16 hear from Mr. Kasper.

17 Q. Okay.

18 A. And to him, that could have been
19 yelling. I'm not saying that it wasn't.

20 Q. And, Mr. House, you were asked if --
21 when you wrote this statement, but my question to
22 you is, at whatever time you wrote this statement,
23 how long did you take to recall the events that
24 took place before you put these events into
25 writing?

1 A. I would say that I went off the top of
2 my memory. I didn't look into -- I didn't write
3 into detail. I'd say 30, maybe -- wrote it in 25
4 to 30 minutes, which it's a very small statement.

5 Q. Okay. At any point in time when --
6 after you heard the officer holler "Stop," did you
7 hear an engine rev from the vehicle that was in
8 front of your vehicle?

9 A. I did not.

10 Q. Did you observe the -- could you observe
11 the physical condition of Mr. Kasper's clothing at
12 the time that he exited the truck?

13 A. His shirt was ripped. I believe it was
14 his shirt. I don't -- I can't remember exactly
15 what color clothing he had on, but a piece of
16 clothing was ripped up top. I can't recall his
17 pants. Is that --

18 Q. Now, when you say "ripped," how -- do
19 you recall what area that the clothing was ripped
20 and how bad?

21 MR. THAGGARD: Object to the form.

22 MR. DENSON: Well, let me strike
23 that. Let me put that in two separate
24 questions there.

25

1 MR. DENSON: (Continuing.)

2 Q. Do you recall what area of the shirt
3 that was ripped?

4 A. I believe it was around his ribs, around
5 the torso area.

6 Q. Uh-huh.

7 A. Now, as far as how bad, I could see
8 skin, but I couldn't tell you any further. Now,
9 as far as that -- is that where it was ripped, I
10 can't give you an honest statement about it. But
11 I -- as far as me jogging my memory, I believe
12 that's where it was ripped.

13 Q. From your perception, during this
14 altercation or immediately after, did you see any
15 injuries on Mr. Kasper?

16 A. I seen blood on Mr. Kasper's head, on
17 his arms. His arms were, you could tell, scraped
18 up. I think his knee -- I think one of his knees
19 was bloody or red or something. As far as
20 anything else, I couldn't tell you. And I --
21 that's all I can remember from that.

22 Q. Okay.

23 A. And as far as into detail from his
24 physical injuries, I couldn't -- couldn't tell you
25 how bad -- I mean, how severe they were. I could

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1 see that he did have injuries. I couldn't see how
2 severe.

3 Q. But from where you were, you were able
4 to see blood coming from his head?

5 A. Yes.

6 Q. Earlier you were asked about whether you
7 remember an officer striking or kicking
8 Mr. Kasper. Do you recall that question --

9 A. I do.

10 Q. -- or something similar?

11 Now, how many times would you say that
12 you recall Mr. Kasper being struck by the
13 officer's knee?

14 A. I couldn't say that it was just a strike
15 from one officer's knee. It was a strike from
16 several officers' knees.

17 Q. Okay.

18 A. There was more than -- there was one --
19 there was more than one knee placed in his back
20 from different officers.

21 Q. Okay. And I want to see if there's any
22 distinction here. Are you saying a knee sitting
23 on Mr. Kasper's back or are you saying a knee
24 striking Mr. Kasper's back?

25 MR. THAGGARD: Object to form.

1 MR. DENSON: Let me -- I'll
2 withdraw that question.

3 MR. DENSON: (Continuing.)

4 Q. Is your description of a contact by
5 Mr. Kasper's body from the officer's knee -- give
6 me that description.

7 A. A strike from an officer's knee would be
8 a forceful impact, an aggressive impact.

9 Q. Is it your testimony that the officer's
10 knee was only resting on Mr. Kasper's body?

11 A. The knee was drove forward in an
12 aggressive way into Mr. Kasper's body.

13 Q. Is this from only one officer or several
14 officers?

15 A. Several officers.

16 Q. Given that foundation, are you able to
17 tell me how many -- an estimate of how many times
18 a knee was driven into Mr. Kasper's back?

19 MR. THAGGARD: Object to form.

20 MR. DENSON: Strike that.

21 MR. DENSON: (Continuing.)

22 Q. From your perception, how many times
23 was -- did the officer's knee come in contact with
24 Mr. Kasper?

25 A. From my point of view, there were, that

1 I know of, four officers that I could see on
2 Mr. Kasper. As far as I could tell, that there
3 were, I would say, three on his back leg, around
4 his -- around his back. One officer towards the
5 front of Mr. Kasper was elbow, you know, in
6 Mr. Kasper's head or back of Mr. Kasper's neck.

7 As far as how many times a knee was
8 placed in Mr. Kasper's back, I couldn't tell you.
9 I know that there was more than one officer on
10 Mr. Kasper's back. More than two, I couldn't tell
11 you for sure.

12 Q. Okay. And you testified that
13 Mr. Kasper's head came back up. Did you see any
14 other part of his body come back up?

15 A. The only -- the only part of his -- from
16 the top of his head -- or from the top of his head
17 from where I could see to the top of Mr. Kasper's
18 chest is the only body part that I could see that
19 came up. I could just see the top of his chest
20 from his head coming up which brought his -- the
21 top of his chest up.

22 Q. Okay. And at this -- and at the time
23 that you say you could see his head come up, where
24 were his -- where were his arms, if you could see
25 them?

1 A. I can't recall.

2 MR. DENSON: No further questions
3 at this time from counsel for the plaintiff.

4 MR. THAGGARD: I'll have just a
5 couple of follow-ups with you.

6 E X A M I N A T I O N

7 EXAMINATION BY MR. THAGGARD:

8 Q. Do you know how the window was smashed?

9 A. I don't.

10 Q. Okay. I thought I heard -- if I
11 understood your testimony correctly, that you said
12 you heard an officer say taser?

13 A. No, no.

14 Q. You heard a taser?

15 A. I heard a taser. You can hear a taser
16 being extracted.

17 Q. Now, you said you heard Mr. Kasper with
18 a long continuous yell.

19 A. Correct.

20 Q. And when did he begin that yell?

21 A. That was whenever I heard the tase --
22 what I could hear as a taser, that's whenever I
23 heard the yell.

24 Q. Was he yelling as he came out of the
25 vehicle?

1 A. Not to my knowledge, no.

2 Q. And you recall hearing him yell at or
3 about the time you heard the taser?

4 A. Correct.

5 Q. And how long did that yelling last?

6 A. Ten to 20 seconds.

7 Q. Did he yell again after that?

8 A. Not that I know of.

9 Q. You testified about the officer or
10 officers aggressively striking him with their
11 knees.

12 A. Correct.

13 Q. Do you recall if any individual officer
14 struck Mr. Kasper with that officer's knees more
15 than one time?

16 A. I do not. I do not recall.

17 Q. As Mr. Kasper was being removed from the
18 vehicle and taken to the ground, did you hear
19 voices?

20 A. I can't recall. As far as the only
21 thing I could hear Mr. Kasper say was, you know --
22 I could hear an officer say "Stop," and then I can
23 hear -- when they were getting him out of the
24 vehicle or when that -- when they were getting him
25 out of the vehicle, I heard someone say "Stop" and

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1 Mr. Kasper say something along the lines of --
2 that he wasn't resisting. That's only -- only
3 thing verbally I could hear besides when
4 Mr. Kasper started to yell.

5 Q. Okay. You don't remember anyone else
6 yelling or hearing any other voices?

7 A. Besides -- before they pulled him out of
8 the truck, "Stop the truck."

9 Q. I'm talking about after taking him out
10 of the truck.

11 A. No.

12 Q. You don't recall hearing of the voices?

13 A. Besides when I heard one -- somebody say
14 something about I know his brother. That's the
15 only -- and I don't know -- like I said, I don't
16 know who said I know his brother or he's like
17 his -- I can't -- I'm not saying that it was I
18 know his brother, but it was something that said
19 his brother. I don't know if it was --

20 Q. Let me ask you a better question because
21 I think earlier you testified that was later on.
22 I'm talking about when he's there on the -- you
23 know, being removed from the vehicle on the ground
24 and then taken to the police car. Do you recall
25 hearing any of the voices or any other statements

1 made during that process?

2 A. No.

3 Q. Was it quiet?

4 A. To me, it was. I do remember that
5 besides my passenger.

6 Q. Okay. And if I understand your
7 testimony correctly, when Mr. Kasper's on the
8 ground, you could see his upper torso to his head
9 and you could see his feet.

10 A. Correct.

11 Q. And that was it?

12 A. Correct. That's all I could see.

13 MR. THAGGARD: All right. That's
14 all the questions I have for you.

15 MR. DENSON: All I have,
16 plaintiff's counsel.

17 MR. THAGGARD: (Continuing.)

18 Q. Now, you've got the right -- she's going
19 to type up everything in booklet format.

20 A. Okay.

21 Q. And you've got the right to go back and
22 read that, you know, review it and make sure it
23 was typed properly and make any changes to it if
24 something was typed improperly or you can waive
25 that right. It's entirely up to you.

1 A. Okay.

2 Q. If you want to do that, then you'll need
3 to coordinate with the court reporter here to --
4 so she can get that in your hands to, you know, do
5 that review or you can trust her to type it
6 correctly, frankly. So it's entirely your
7 decision. It doesn't matter to either Mr. Denson
8 or I. It's your right to do.

9 A. Okay. So just get in touch with her?

10 MR. THAGGARD: Yes, just get in
11 touch with her.

12 THE WITNESS: It looks like you
13 have been doing it a while. I don't need it.

14 COURT REPORTER: Mr. Denson do you
15 want to order a copy?

16 MR. DENSON: I do.

17 (WHEREUPON, THE DEPOSITION WAS
18 CONCLUDED AT APPROXIMATELY 4:07
19 p.m.)

20

21

22

23

24

25

1

CERTIFICATE OF REPORTER

2

3 I, AMANDA WOOTTON, Court Reporter and Notary
4 Public for the State of Mississippi, do hereby
5 certify that the above and foregoing pages contain
6 a full, true and correct transcript of the
7 proceedings had in the aforesigned case at the time
8 and place indicated, which proceedings were
9 recorded by me to the best of my skill and
10 ability.

11

I also certify that I placed the witness
under oath to tell the truth and that all answers
were given under that oath.

14

I certify that I have no interest, monetary
or otherwise, in the outcome of this case.

16

This the 3rd day of April 2017.

17

18

19

20

21

22

AMANDA M. WOOTTON

23

My Commission Expires:
December 15, 2018

25

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1 CERTIFICATE OF DEPONENT

2

3

4 I, _____, do hereby
5 certify that the foregoing testimony is true and
6 accurate to the best of my knowledge and belief,
7 as originally transcribed, or with the changes as
8 noted on the attached Correction Sheet.

9

10

11

12

13

14

15

16

17

18 Subscribed and sworn to before me
19 this the _____ day of _____, 2017.

20

21

22

Notary Public

23

24 My Commission Expires:

25

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1

CORRECTION SHEET

2

3 I, _____, do hereby
4 certify that the following corrections and
5 additions are true and accurate to the best of my
6 knowledge and belief.

7

	CORRECTION	PAGE	LINE	REASON
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19

Subscribed and sworn to before me
20 this the _____ day of _____, 2017.

21

22

23

Notary Public

24 My Commission Expires:

25

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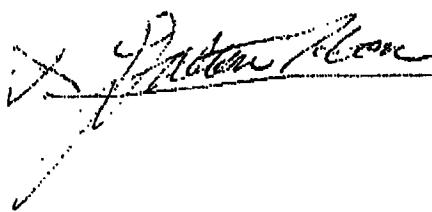
To whom it may concern,

I was driving behind a white Ford truck with two kayaks in the back on Allen Swamp road on the Saturday of Memorial Day weekend in 2014. After I stopped my car behind him I started looking for my drivers license, proof of insurance and registration. While I was doing that I noticed that the deputy in the road hollered at the driver. The truck stopped and then I heard glass shatter and saw that they were struggling with the driver. About four or five deputies surrounded the truck and they pulled the driver out head first and tasered him several times. I did not see him punch or kick any of the deputies even though they were hitting him and smashing his face into the pavement. They handcuffed him and put him in a police car then moved him to another one.

When one of the officers talked to me and looked at my credentials he told me that the driver was one of their regulars.

I go to school with Reed Kasper and I knew it was his dad's truck because he has a set of wings on the front license plate and Reed drove it to school all year long. I called and told Reed what he said. Mr. Kasper later contacted me to get this statement. Please feel free to contact me via my dad's phone number listed below.

Dalton House
601-934-4464



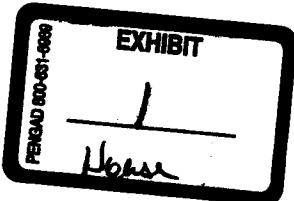


Exhibit "A" to Amended Complaint

Lee Thaggard

From: Lee Thaggard
Sent: Monday, March 13, 2017 8:59 AM
To: 'Joseph Anthony Denson'
Subject: Kasper v. Lauderdale County

Dear Joseph:

Thank you for your telephone message as a reminder regarding the Joint Motion to Amend the Case Management Order to extend the discovery deadline and motion deadline. In the last several days, I have been extremely busy in motion practice in another federal case as well as completing an appellate brief in state court. As a result, I have not yet had an opportunity to prepare the draft Joint Motion. I plan to have a draft to you this afternoon.

The deposition of Jacob Mathis did last longer than I anticipated. However, his statement is the most lengthy of all officers which were involved. Hopefully the other depositions of the officers will not take as long as the deposition of Mathis.

At this point I am considering re-noticing Mr. Kasper's deposition for either March 20, 23 or 24. That will give you more time to devote to the officers deposition on March 17.

Lee Thaggard
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